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THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

December 9, 2011

Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: USA v. City, Civil Action No.: 07 CV 2067 (NGG)(RLM)
Law Dept. No.: 2007-01744

Dear Judge Garaufis:

I write on behalf of all the parties to request the Court's approval to amend the Notice of Exam for Exam 2000 to specify that the physical component of the exam will be comprised of the Candidate Physical Ability Test (CPAT) developed by the International Association of Firefighters (IAFF).

The Notice of Exam normally provides a description of the physical exam. However, because the parties decided to carefully review whether the physical abilities test should be studied, the prior Notices of Exam did not provide specifics. Those prior notices stated only: "The physical ability test consists of a series of events designed to assess the ability to perform the physical aspects of the job of a Firefighter. A more detailed description of the physical ability test will be distributed to candidates before they are scheduled for the physical ability test." Now, after careful consideration, the parties' testing experts agree that Exam 2000 may proceed without a separate validity study of the physical abilities test. All the parties and Special Master White agreed with the experts' recommendation to use the CPAT.

The City proposed, and the other parties and Special Master agreed, to amend the paragraph in the Notice of Exam about the physical ability test to state,

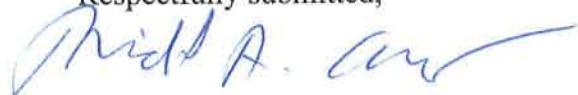
Candidates who pass the computer-based test will be scheduled to take the physical ability test prior to admission to the Fire

Academy as vacancies occur. The physical ability test used will be the Candidate Physical Ability Test (CPAT), which is scored on a pass/fail basis. This test consists of a series of 8 events designed to assess the ability to perform the physical aspects of the job of a Firefighter. The test events are: stair climb, hose drag, equipment carry, ladder raise and extension, forcible entry, search, rescue, and ceiling breach and pull. A more detailed description of the physical test will be distributed to candidates before they are scheduled for the physical ability test, and is expected to be available for viewing by **April 2, 2012** on the DCAS website at www.nyc.gov/html/dcasa/html/employment/employ.shtml. You are encouraged to view this information.

A copy of the proposed Fourth Amended Notice is attached.

If the Court approves this amendment, applicants will be notified by an email stating that the Notice of Exam has been amended to specify that the CPAT will be used and providing a link to the Fourth Amended Notice of Exam on the DCAS website.

Respectfully submitted,



Michael A. Cardozo

Enc.

Cc: All Counsel
Special Master White



THE CITY OF NEW YORK
DEPARTMENT OF CITYWIDE
ADMINISTRATIVE SERVICES
APPLICATION UNIT
1 CENTRE STREET, 14th FLOOR
NEW YORK, NY 10007

REQUIRED FORMS

APPLICATION FORM

NOTICE
OF
EXAMINATION

MICHAEL R. BLOOMBERG
Mayor
EDNA WELLS HANDY
Commissioner

FIREFIGHTER
Exam No. 2000
Fourth Amended Notice - December XX, 2011

WHEN TO APPLY: July 15, 2011 to September 19, 2011

APPLICATION FEE: \$30.00 if you submit a paper application and/or pay by money order

\$25.00 if you pay online by credit card, bank card or debit card

CANDIDATES WHO DEMONSTRATE THAT THEY ARE
UNEMPLOYED OR RECEIVING PUBLIC ASSISTANCE
ARE ENTITLED TO A WAIVER OF THE APPLICATION FEE.

TEST DATES:

Administration of the computer-based test will begin in late February 2012 or March 2012. You should receive an Admission Notice in the mail by January 27, 2012 assigning you to a test date and time at a testing center in the New York City area. Subject to availability of open dates and locations, you will be able to reschedule your test date to another date within the testing period and/or to select a different testing center after you receive your Admission Notice. Instructions for rescheduling your test date, time or location will be included in the Admission Notice.

The Notice of Examination is amended to include a description of the Physical Ability Test.

This examination process is being conducted under the supervision of the United States District Court for the Eastern District of New York and is subject to that Court's approval as a result of litigation captioned *United States and The Vulcan Society, et al. v. City of New York*, 07 CV 2067.

READ THIS NOTICE IN ITS ENTIRETY BEFORE YOU SUBMIT YOUR APPLICATION

WHAT THE JOB INVOLVES: Under supervision, Firefighters assist in the control and extinguishment of fires, in providing pre-hospital emergency medical care, and in the enforcement of laws, ordinances, rules and regulations regarding the prevention, control and extinguishment of fires, as well as perform Fire Safety Education activities; perform inspections and related enforcement duties to assure compliance with provisions of the Fire Prevention Code and applicable sections of the Building Code, Multiple Dwelling Code, Housing Maintenance Code, Labor Law and other laws, rules and regulations, within enforcement purviews of the New York City Fire Department; perform inspections of equipment and schedule as necessary the maintenance of various tools and equipment, including but not limited to power tools, company apparatus, Self-Contained Breathing Apparatus (S.C.B.A.) and other personal safety equipment; and perform related work.

Some of the physical activities performed by Firefighters and environmental conditions experienced are: wearing protective clothing, such as bunker suit, helmet, boots and breathing apparatus; crawling, crouching and standing, often for prolonged periods, while extinguishing fires; driving fire apparatus and other Department vehicles; climbing stairs, ladders and fire escapes; raising portable ladders; using forcible entry tools, such as axes, sledge hammers, power saws and hydraulic tools; searching for victims in smoke-filled environments; carrying or dragging victims from dangerous locations; connecting, stretching and operating hose lines; locating hidden fire by feel and smell; providing medical assistance to injured or ill citizens; and providing control and mitigation of hazardous materials incidents while wearing chemical protective clothing.

(This is a brief description of what you might do in this position and does not include all the duties.)

THE SALARY: The current minimum salary is \$39,370 per annum. Incumbents will receive salary increments reaching \$76,488 per annum at the completion of five years of employment. All rates are subject to change. In addition, employees receive holiday, night shift and overtime pay.

READ CAREFULLY AND SAVE FOR FUTURE REFERENCE

HOW TO APPLY: If you believe that you meet the requirements in the "How to Qualify" section, you may submit an application on the Online Application System (OASys) at www.nyc.gov/exams/orjobs. Follow the onscreen application instructions for electronically submitting your application and payment, and completing any required forms. A valid email address is required to file online. Several internet service providers, including, but not limited to, Google, Yahoo, Hotmail and AOL, offer free email addresses. The following methods of payment are acceptable: major credit card, bank card associated with a bank account, or prepaid debit card which you may purchase online or at various retail outlets, or money order payable to DCAS (Exams). If you pay online by credit card, bank card or debit card, you will receive a \$5.00 discount. Computer terminals for online filing, money order payments and paper applications will also be available for you to apply for this examination at the DCAS Computerized Testing Centers.

The centers will have extended hours Monday through Saturday from 9:00 A.M. to 7:00 P.M.:

Manhattan

2 Lafayette Street
17th Floor
New York, NY 10007

Brooklyn

210 Joralemon Street
4th Floor
Brooklyn, NY 11201

Special Circumstances Form:

This form is included in the application package available at the DCAS Computerized Testing Centers and located on the DCAS website at http://www.nyc.gov/html/dcasa/html/employment/civilservice_exams.shtml#examinationforms. This form gives important information about requesting an alternate test date because of religious observance or a special test accommodation for disability, claiming Veterans' or Legacy credit, and notifying DCAS of a change in your mailing address. Follow all instructions on the Special Circumstances Form that pertain to you when you complete your "Application for Examination."

You may be given the test before we review your qualifications. You are responsible for determining whether or not you meet the qualification requirements for this examination prior to submitting your application. If you are marked "Not Qualified" your application fee will not be refunded and you will not receive a score.

AGE REQUIREMENT: Pursuant to Section 54 of the New York Civil Service Law and Section 15-103 of the Administrative Code, you must be at least 17½ years of age by the end of the application period and, except as noted below, you must not have reached your 29th birthday by the beginning of the application period to be eligible to take this examination. However, you must have reached your 21st birthday to be eligible for appointment.

Exceptions to the Age Requirement:

- Candidates who took Firefighter, Exam Nos. 6019 and 6506 must not have reached their 36th birthday by the beginning of the application period to be eligible to take this examination.
- Candidates on Special Military Lists for Firefighter, Exam No. 2043 in existence on or after July 22, 2009, must not have reached their 36th birthday by the beginning of the application period to be eligible to take this examination.
- All persons who were engaged in military duty as defined in Section 243 of the New York State Military Law (including candidates on the lists noted above) may deduct from their actual age the length of time spent in such military duty up to a maximum deduction of six years.

THE EXAMINATION: The examination will include a computer-based test (CBT) and a physical ability test. You must achieve passing scores on the CBT and the physical ability test in order to be eligible for further consideration in the selection process.

THE COMPUTER-BASED TEST: The CBT is designed to assess important abilities and aptitudes that are required to successfully learn and perform the work of a Firefighter. The test will evaluate basic abilities, such as Reading, Listening, Problem Solving, Basic Arithmetic and related areas. It also will assess the way candidates approach work, interact with others, and concentrate on details.

Before you take the exam, you will have the opportunity to view a computer-based tutorial so that you are familiar with computer-based testing and the various question types. By January 11, 2012, it is expected that the tutorial will be available for viewing on the DCAS website at www.nyc.gov/html/dcasa/html/employment/employ.shtml. You are encouraged to view the tutorial.

Note: You are **not** permitted to enter the test site with cellular phones, beepers, pagers, cameras, portable media players, or other electronic devices. Calculators and electronic devices with an alphabetic keyboard or with word processing or data recording abilities such as planners, organizers, etc. are **not** permitted. If you are found to be in possession of any of these devices, you may not receive your test results, your test score may be nullified, and your application fee will not be refunded. You must leave the test site once you finish the test. If you leave the test site after being fingerprinted but before finishing the test, you will not be permitted to re-enter. If you disregard this instruction and re-enter the test site, you may not receive your results, your test score may be nullified, and your application fee will not be refunded.

ADMISSION NOTICE: You will be assigned a test date and time at one of a number of testing centers located in the New York City area. You should receive your Admission Notice in the mail by January 27, 2012. Please be sure to read your examination schedule and instructions included in this Admission Notice very carefully. Failure to follow these instructions may delay or deny your ability to take the exam.

If you do not receive your Admission Notice by January 27th, you should email fdnyschedule@psionline.com with your full name and social security number to obtain your duplicate Admission Notice. The duplicate Admission Notice will be emailed to you within 4 business days of your email being received. If you do not have an email account, you may call 1-800-701-0289 beginning February 4th to obtain a duplicate Admission Notice. Please be prepared to provide your full name and social security number when you call that number.

THE PHYSICAL ABILITY TEST: Candidates who pass the computer-based test will be scheduled to take the physical ability test prior to admission to the Fire Academy as vacancies occur. The physical ability test used will be the Candidate Physical Ability Test (CPAT), which is scored on a pass/fail basis. This test consists of a series of 8 events designed to assess the ability to perform the physical aspects of the job of a Firefighter. The test events are: stair climb, hose drag, equipment carry, ladder raise and extension, forcible entry, search, rescue, and ceiling breach and pull. A more detailed description of the physical test will be distributed to candidates before they are scheduled for the physical ability test, and is expected to be available for viewing by April 2, 2012 on the DCAS website at www.nyc.gov/html/dcasa/html/employment/employ.shtml. You are encouraged to view this information.

You will be required to pay an additional fee of \$25.00 prior to taking the physical ability test. Failure to pay the additional fee on the date you are scheduled to take the physical ability test will result in disqualification from further participation in the examination. The additional fee for the physical ability test will be waived for candidates who demonstrate that they are unemployed or receiving public assistance at the time of the physical ability test. Medical evidence to allow participation in the physical ability test may be required and the Department of Citywide Administrative Services reserves the right to exclude from the physical ability test any candidates who are medically unfit.

NEW YORK CITY RESIDENCY CREDIT: Points equivalent to five percent of the maximum possible final exam score will be added to the final exam score of those candidates who qualify for the New York City Residency Credit. To be eligible for the residency credit, a candidate must achieve a passing score on the examination, and must produce proof, as listed below, of the candidate's continuous residency in New York City from July 1, 2010 through June 30, 2011. Candidates interested in seeking the residency credit must apply by following the instructions which will be provided on the date of the computer-based test. **Merely supplying a New York City address on the application form for this examination does not serve as a request for the residency credit. Requests for residency credit must be received by DCAS before the eligible list is established.**

Eligibility for the residency credit will be investigated and verified by the Fire Department of New York. Inability to produce the required verification of residency documents for the continuous period of residency will result in the forfeiture of the New York City Residency Credit and an adjustment in the final score. Under no circumstances shall a Post Office (P.O. Box) address be accepted as proof of residency. **As in the case of any intentional misrepresentation of a material fact on an employment application, candidates who claim New York City Residency Credit and who are determined to have intentionally misrepresented facts concerning New York City residency shall be terminated if they have already been appointed and/or disqualified and their names shall be removed from the eligible list, and they may be subject to criminal sanctions.**

Candidates applying for New York City Residency Credit must provide any three of the following:

- Mortgage in the candidate's name valid during the 12-month period between July 1, 2010 and June 30, 2011
- Cable bills for the 12-month period prior to July 1, 2011
- Telephone bills for the 12-month period prior to July 1, 2011
- Gas, electric or water utility bills for the 12-month period prior to July 1, 2011
- Checking or savings account statements for the 12-month period prior to July 1, 2011
- Credit card statements for the 12-month period prior to July 1, 2011 and
- W-2 form(s) from the candidate's employer for the 2010 and 2011 tax years.

Candidates aged 21 or younger have the option of submitting three of the proofs listed above or, as an alternative, candidates who are 21 years of age or younger at the time of their application to take the exam may provide:

- (a) A diploma from a New York City Public High School; **or**
 - (b) A transcript from a private high school in New York City showing a New York City address for the candidate; **or**
 - (c) A GED certificate issued from a New York City institution during the 12-month period prior to July 1, 2011 to a candidate who presents evidence that his last school enrollment was in a New York City Public High School;
- AND-**
- one additional proof of residency, from the list above.

The Fire Department of New York reserves the right to accept other documents in lieu of the above, under special circumstances which validate various living arrangements as determined by the Department and approved by the Department of Citywide Administrative Services.

VETERANS' PREFERENCE CREDITS AND LEGACY CREDITS: The New York State Civil Service Law provides that additional points can be added to the final score of a candidate who is, or by the date of appointment expects to be, an honorably discharged veteran or disabled veteran of the Armed Forces of the United States who has served during a time of war, as specified in New York State law; a candidate whose parent has died while engaged in the discharge of his or her duties as a Police Officer or Firefighter; a candidate who is the sibling of a Police Officer or Firefighter who was killed in the service of New York City as a result of the World Trade Center attack on September 11, 2001, or a candidate who is the child of an FDNY EMS member who was killed in the service of New York City as a result of the World Trade Center attack on September 11, 2001. To be eligible for any of these credits, a candidate must achieve a passing score on the examination. **This is only an overview;** specific conditions and instructions for requesting Veterans' Preference Credits and/or Legacy Credits and additional information are indicated in the Special Circumstances Form included in the Application Package available at the DCAS Computerized Testing Centers and on the DCAS website at www.nyc.gov/html/dcasa/html/employment/employ.shtml.

EXAMINATION RESULTS: You will be notified by mail of your test results. If you pass the CBT and the physical ability test and meet all requirements and conditions, you will be considered for appointment when your name is reached on the eligible list. Use of the exam in hiring is subject to approval by the Court in *United States v. City of New York, 07-cv-2067*. The Court will decide whether to approve the exam following its administration to the applicants.

HOW TO QUALIFY FOR APPOINTMENT:

Education and Experience Requirements: By the date of appointment, you must have a four-year high school diploma or its educational equivalent, and:

1. 15 college semester credits earned as a result of satisfactory completion of course work at a college or university accredited by an accrediting body recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation ("CHEA"); or
2. full-time U.S. military service with an honorable discharge; or
3. 6 months of full-time, satisfactory paid work experience.

Driver License Requirement: You must have a New York State Driver License at the time of appointment. If you have moving violations, license suspension(s) or an accident record, you may be disqualified. This license must be maintained for the duration of your employment.

Medical and Psychological Requirements: Medical and psychological guidelines have been established for the position of Firefighter. You will be examined to determine whether you can perform the essential functions of the position of Firefighter. Additionally, since employees are expected to continue to perform the essential functions of the position of Firefighter throughout their careers, you may be medically tested periodically throughout your career. Where appropriate, a reasonable accommodation will be provided for a person with a disability to enable him or her to take these medical and psychological examinations, and/or to perform the essential functions of the job.

Drug Screening Requirement: You must pass a drug screening in order to be appointed. Drug tests will also be administered to all probationary Firefighters as part of the medical examination prior to the completion of probation. Additionally, Firefighters will be subject to periodic random drug testing throughout their careers.

Residency Requirement: The New York Public Officers Law requires that any person employed as a Firefighter in the Fire Department of New York be a resident of the City of New York or of Nassau, Westchester, Suffolk, Orange, Rockland or Putnam Counties.

English Language Requirement: You must be able to understand and be understood in English.

Proof of Identity: Under the Immigration Reform and Control Act of 1986, you must be able to prove your identity and your right to obtain employment in the United States prior to employment with the City of New York.

Citizenship Requirement: United States citizenship is required at the time of appointment.

Character and Background: Proof of good character and satisfactory background will be an absolute prerequisite to appointment. Persons convicted of a felony or who have received a dishonorable discharge from the Armed Forces are not eligible for appointment to this position.

CFR-D REQUIREMENT: You will be required to possess Certified First Responder Certification with Defibrillation (CFR-D) by the end of your probationary period. This certification must be maintained for the duration of employment.

If you do not possess a CFR-D certificate at the time of appointment, you will be required to obtain the CFR-D certificate by the end of your probationary period. FDNY provides a CFR-D training program during the probationary Firefighter training course. Upon successful completion of FDNY's CFR-D course and receipt of your CFR-D certificate, payroll deductions will commence at a rate of \$30 per pay period until the total cost of the training course is recouped by FDNY.

Probationary Firefighters who fail to obtain a CFR-D certificate by the end of their probationary period will be terminated.

ADDITIONAL INFORMATION:

Investigation: You will be investigated prior to appointment and must pay a \$75 fee for fingerprint screening. This fee cannot be waived. At the time of investigation and at the time of appointment, you must present originals or certified copies of all required documents and proof, including but not limited to proof of date and place of birth by transcript of record from the Bureau of Vital Statistics or other satisfactory evidence, naturalization papers if necessary, proof of any military service, and proof of meeting educational requirements. Any willful misstatement will be cause for disqualification, and failure to present any documents required for investigation will be cause for discontinuance of the investigation process.

Probationary Period: The probationary period is 18 months. As part of the probationary period, probationers will be required to successfully complete a prescribed training course. Probationers who fail to complete successfully such training course may be terminated by the agency head.

PENALTY FOR MISREPRESENTATION: Any intentional misrepresentation on the application or during the application, examination, and appointment processes shall result in disqualification, even after appointment, from the position of Firefighter and may result in criminal prosecution.

The General Examination Regulations of the Department of Citywide Administrative Services apply to this examination and are part of this Notice of Examination. They are posted and copies are available in the Application Unit of the Division of Citywide Personnel Services, 1 Centre Street, 14th Floor, NY, NY 10007.

The City of New York is an Equal Opportunity Employer.

Title Code No. 70310; Fire Service.

For information about other exams, and your exam or list status, call 212-669-1357.
Internet: nyc.gov/dcbs